

REMARKS

In the Office Action, claims 1-2, 4-8, 10-15 and 17-23 were rejected. More specifically,

- Claims 1, 4, 7, 10, 14 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Japanese Patent Application No. 2005-256248 (Asano '248) and U.S. Patent 6,800,364 (Chiu); and
- Claims 2, 5-6, 8, 11-13, 15 and 18-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Asano '248, Chiu, U.S. Patent 5,030,435 (Kitamura), U.S. Patent 4,552,329 (Hattori), and U.S. Patent 5,994,261 (Tai).

Upon entry of this Response, claims 1-2, 4-8, 10-15 and 17-23 are pending. For the reasons set forth hereinbelow, Applicants traverse the rejections and respectfully request that the rejections of the claims be withdrawn.

§103 Rejections

Applicants respectfully submit that the Examiner has not established a *prima facie* case of obviousness with respect to the pending claims.

At page 3, section 4 of the Office Action, the Examiner has asserted the following:

- Asano '248 qualifies as prior art under 35 U.S.C. §102(e);
- U.S. Patent 7,520,121 is the English language equivalent of Asano '248;
- U.S. Patent 7,520,121 is a national stage entry of International Patent Application PCT/JP2005/004450 (published as WO 2005/087995); and
- International Patent Application PCT/JP2005/004450 claims priority to Asano '248.

Applicants respectfully disagree with the assertion that Asano '248 qualifies as prior art under 35 U.S.C. §102(e).

First, Applicants note that the “FLOWCHARTS FOR 35 U.S.C. §102(e) DATES” shown in MPEP §706.02(f)(1) set forth the analysis for a proper determination of the §102(e) date, if there is one, for all applications and patents, whenever filed.

Second, Applicants note that the WIPO publication of International Patent Application PCT/JP2005/004450 (WO 2005/087995) was published in Japanese – not in English.

Third, in accordance with the “FLOWCHARTS FOR 35 U.S.C. §102(e) DATES” shown in MPEP §706.02(f)(1), Applicants submit that there is no §102(e) date for Asano '248.

Fourth, as there is no §102(e) date for Asano '248, Applicants submit that Asano '248 does not qualify as prior art under 35 U.S.C. §102 with respect to the instant application. Applicants further submit that neither WO 2005/087995 nor U.S. Patent 7,520,121 qualifies as prior art under 35 U.S.C. §102 with respect to the instant application.

Fifth, as Asano '248 does not qualify as prior art under 35 U.S.C. §102 with respect to the instant application, Applicants submit that Asano '248 can not be used to support a rejection of any of the pending claims under 35 U.S.C. §103. *See* MPEP §2141.01.

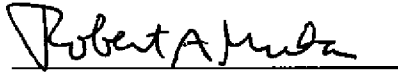
Therefore, as the rejections of all of the pending claims are based on Asano '248, Applicants respectively submit that the rejections are improper and respectively request that the rejections associated with claims 1-2, 4-8, 10-15 and 17-23 be withdrawn.

CONCLUSION

Applicants respectfully request a Notice of Allowance for the pending claims in this application. If the Examiner believes that personal communication will expedite the prosecution of this application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Date: February 26, 2010

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert A. Muha", is written over a horizontal line.

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